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4 ALLEN ANDERSON, et al.,
5 Plaintiffs,
6 v.
7 SYNGENTA AG, et al.,
8 Defendants.

9 Case No. 22-cv-00658-JCS
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**REPORT AND RECOMMENDATION
RE STIPULATION TO REMAND
ACTION TO STATE COURT**

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13 Re: Dkt. No. 5
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This case was removed from Contra Costa Superior Court by Defendant Chevron U.S.A. Inc. (“Chevron”) on the basis of diversity jurisdiction and federal question jurisdiction. The Notice of Removal states that removal was timely because Chevron had not yet been served with a copy of the complaint at the time of removal. Notice of Removal ¶ 10. Although the Notice of Removal states that all defendants consent to removal, Defendants Sygenta AG and Sygenta Crop Protection LLC have not appeared and no party has consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c). Presently before the Court is a stipulation to remand the action to state court. The stipulation states that unbeknownst to Chevron’s counsel, the complaint in this action was served on Chevron prior to removal. Because the timeliness of the removal was based on facts that turned out to be incorrect and the appearing parties have stipulated to remand the action to State Court, it is recommended that the stipulation be granted. This case shall be reassigned to a district judge for further action.

IT IS SO ORDERED.

Dated: February 22, 2022


JOSEPH C. SPERO
Chief Magistrate Judge